

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Drewes Farms Partnership,

Case No. 3:19 CV 434

Plaintiff,

ORDER RE: DISCOVERY DISPUTE

-and-

JUDGE JACK ZOUHARY

State of Ohio,

Intervenor,

-vs-

City of Toledo,

Defendant.

This Court held a Phone Status on July 3, 2019. Counsel present: Tom Fusonie, Kim Herlihy, and Dan Shuey for Plaintiff; Dan Martin for Intervenor; Sarah Skow and Jenny McHugh for Defendant.

A discovery dispute has arisen between Plaintiff and Defendant. On May 20, this Court ordered Plaintiff to “disclose to Defendant documents . . . supporting Plaintiff’s standing in this case” (Doc. 29 at 1). Plaintiff disclosed some documents. In a June 25 email (attached), however, Defendant asserted that Plaintiff should disclose eleven categories of additional documents, which may be relevant to whether Plaintiff has standing. Plaintiff refuses to disclose the additional documents, claiming they are not relevant.

By **Monday, July 15**, Plaintiff and Defendant will file separate memoranda (three-page maximum) explaining why each of the eleven categories of documents should or should not be disclosed. This Court will then resolve the dispute during a hearing on **Wednesday, July 17 at 3:30 PM**. Counsel should notify Chambers if they will attend in person. Counsel for Intervenor need not attend.

On May 20 (Doc. 29 at 1), this Court ordered Defendant to “respond” to certain questions posed by Plaintiff (Doc. 27-2 at 2–3). Defendant responded in a May 24 email (attached), indicating it “cannot agree to the questions.” Defendant should supplement its response as best it can to help streamline this discovery dispute and this lawsuit. *See* Federal Civil Rule 1.

Plaintiff and Intervenor each have filed Rule 12(c) Motions (Docs. 34, 35). The Response and Reply deadlines for those Motions (Doc. 29 at 2) are vacated pending resolution of this discovery dispute.

Finally, the Complaint includes a request for litigation expenses under 42 U.S.C. § 1988 (Doc. 1 at ¶ 137). Defendant asks that Plaintiff produce documents related to that request, including engagement or retention agreements. Plaintiff need not produce any such documents until ordered by this Court.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

July 9, 2019